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Steven B. Miner
Accomack County Administrator
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RE: Comments on Docket Number **EPA-R03-OW-2010-0736**

Proposed Chesapeake Bay draft TMDL

To Whom It May Concern:

Please accept the following on behalf of the County of Accomack, Virginia, in regard to the above referenced proposal.

The County of Accomack is located on the Delmarva Peninsula, adjacent to the Maryland counties of Somerset and Worcester. It has a population of approximately 38,480 persons. Accomack's economy has several principal bases, including a Federal presence at Wallops Flight Facility, tourism and a high rate of entrepreneurship. However, as vital and important as these economic elements are to the county, agriculture remains the backbone of our economy. We are not wealthy, with 20% of our population at or above the Federal poverty level.

Accomack county has some 90,000 acres of farmland. It consistently leads or is close to the lead of the Commonwealth of Virginia's agricultural production in corn, potatoes, soybeans, green beans and tomatoes. Two major poultry brands, Purdue and Tyson Foods, operate plants in our county, providing a large percentage of our manufacturing jobs and a market for many landowners and farmers for grain and poultry grown in support of those major plants, which by themselves hire about around 3000 people. This industry today has, somehow, remained vital in the face of enhanced overseas competition. How long can they hold out and how much can they bear in costs

before they too, are overcome by cheaper imports, which can be frozen and shipped to our markets, and none of which are faced with costs of such a nature? The destabilization of the economy which could result from unwise regulations which might place these plants out of any fair range of economic competitiveness with others within or without the nation would far, far, exceed the damage done to the Bay through a slower, more thoughtful and more creative process which eventually accomplishes the goals we all share.

The TMDL has no direct mention of local governments, not are we located within the guidance the EPA gave to the states on the Watershed Implementation plans. This, despite the critical link local government will have on the success and/or implementation of water quality improvement efforts. We would ask at the minimum that the State of Virginia will allowed the time, and very strongly encouraged, to engage local government in the Phase 2 WIP's, where allocations will be made down to the county level.

The EPA's backstop TMDLs are stringent actions, especially for waste water treatment plants associated with municipalities and food processing plants. The EPA is avoiding the same actions on deficiencies in non point sources, agricultural lands, saying that the states should regulate these, and any actions should be through the Farm Bill. While both Agriculture and waste water treatment plants associated with food processing have responsibility for the protection of water quality, EPA's "back-stop" TMDL's should not penalize waste water treatment plants and other point source discharges in our community due to the failure of the State and the Federal Farm bill to appropriate sufficient technical or financial resources to address the non-point source issue, especially if the local government has limited authority to directly address the non-point sources of water pollution.

We are also very much concerned that the model being used to allocate nutrient reductions. The model was created on a landscape level that encompasses the entire Chesapeake Bay drainage area. Allocating specific nutrient reduction targets to the community or watershed level is beyond the capabilities of the model and will certainly result in arbitrary allocations that will be prejudicial to poor, rural counties that lack the technical resources to objectively address the inadequacies of the model never tested or proven at this scale.

Having directly left counties out altogether, the TMDL regulatory process has not provided the States with enough time to include us in any reasonable manner. One could conclude that the Federal government is at this time the author of a huge catastrophe about to happen. Goals may be adopted, and forced on the states, which will in turn, end up requiring us to implement them - without financial support. Our citizens may be forced to pay to

implement restrictions which could ultimately cost them their jobs. This is not right.

The draft state plans have had little or no distribution to localities, robbing the Commonwealth and its local partners of the opportunity to work together on possible solutions or interactions on the response to the Federal mandates. We object to this lack of time to work with the Commonwealth, with which Virginia local governments have long had a partnership arrangement on matters pertaining to our environment.

Finally, the EPA admits that this is the most complex TMDL ever attempted. We have seen no testing of the models or other displays of evidence that its efforts are the least restrictive available in attempting to accomplish a laudable goal, or even if they will work at the scale to which they are applied.

Overall, this attempt will likely end in utter failure, litigation and further erosion of local confidence in the Federal processes at the state and local level designed to clean up the Bay we all love, as well as depend upon for our livelihoods. There is a very good chance that agriculture and businesses in the Bay shed will pay a disproportionate share of the cost. We ask if this is the time and if this is the manner in which the Federal EPA should go about trying to solve the issues it has identified. Please consider:

1. Sharpening the science of practices which can be voluntarily implemented or done at reasonably added cost to our farm industry,
2. Testing and proving your model at the scale at which it is intended to function,
3. Inviting local solutions and best practices, sharing these among the farmers and others who will have to meet final standards,
4. Inclusion of local government in a major way as the ultimate implementers of Federal intent,
5. Education of citizens before, not after, implementation of regulations, when litigation and loss of economic viability is the likely result of an ill-thought out and introduced plan.

Thank you.

Very sincerely,

Steven B. Miner
County Administrator
Accomack County, Virginia